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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,362	10/15/2001	B.A. Schneiderman	07512.110	1727

7590 08/29/2005

LINIAK, BERANTO, LONGACRE & WHITE
SUITE 240
6550 ROCK SPRING DRIVE
BETHESDA, MD 20817

EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,362

Applicant(s)

SCHNEIDERMAN, B.A.

Examiner

Sy D. Luu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This communication is responsive to the RCE and Amendment filed 5/23/2005.
2. Claims 1-42 are pending in this application. Claims 1, 10, 19, 28, 31 and 34 are independent claims. In the Amendment, claims 1-3, 10-12, 19-21, 28-29, 31-32, and 34-35 were amended and claims 37-42 were added. This action is made Non-Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

4. The disclosure is objected to because it contains embedded hyperlinks and/or other form of browser-executable code as noted throughout pages 3-5; e.g. "<http://wwwqbic.almaden.ibm.com/>" on line 3 of page 3. Applicant is required to delete the embedded hyperlinks and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 103

5. Claims 1-6, 10-15, 19-24, and 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA", Specification pages 2-5) in view of Hilton et al. ("Hilton", US 5,452,416).

As per claim 1, AAPA discloses a computer software-mediated method for annotating an image aspect of an electronic image, comprising:

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displaying said electronic image containing said image aspect to a user in a computer-generated interface,

permitting via said interface the user to associating an annotation with said image aspect, such that the annotation, in response to a request by a user, is displayed positioned in the electronic image so as to permit a user to identify the associated image aspect in said displayed image, and

storing the associated annotation in a searchable electronic database so as to permit a user to retrieve said electronic image by querying said electronic database for said annotation (Specification; page 2, para. 2; page 3, para. 2 et seq.; page 5, para. 2).

AAPA does not disclose the step of accessing and querying a searchable electronic list of annotations for an annotation term, and optionally permitting said user to add a desired annotation term to said list, and to associating an annotation of said electronic list with said image aspect. Hilton teaches such a method for selecting an annotation from list of annotations to associate the annotation with an image aspect (fig. 16; col. 17, lines 14-48). It would have been obvious to an artisan at the time of the invention to combine Hilton's teaching with AAPA's method in order to conveniently facilitate the process of annotation as well as to prevent users from making errors. The method of AAPA and Hilton does not disclose the step of optionally permitting a user to add a desired annotation term to said list. However, such a step is well known in the art and would have been obvious to an artisan at the time of the invention to include with the method of AAPA-Hilton in order to provide users with a means to populate the annotation list with desired annotation terms.

As per claim 2, Hilton teaches said computer to be a personal computer, and wherein said displaying comprises displaying the displayed image on the screen of a computer (fig. 1).

As per claim 3, Hilton teaches the step of permitting said user to select, drag and drop said annotation from said searchable electronic list to a user-selected location in the displayed electronic image (col. 17, lines 14-48).

As per claim 4, AAPA discloses said electronic image to contain more than one image aspect (page 3, para. 2).

As per claim 5, AAPA discloses said annotation to be a textual annotation (page 2, para. 2; *annotations being done by typing in text*).

As per claim 6, AAPA discloses the step of selecting said image from the group consisting of a photograph, a writing, and a drawing (page 2, para. 2).

Claims 10-11 and 13-15 are similar in scope to claims 1-2 and 4-6 respectively, and are therefore rejected under similar rationale.

Claims 12, 21, 29, 32 and 35 are similar in scope to claim 3, and are therefore rejected under similar rationale.

Claims 19-20 and 22-24 are similar in scope to claims 1-2 and 4-6 respectively, and are therefore rejected under similar rationale.

Claims 28 and 30 are similar in scope to claims 1 and 5 respectively, and are therefore rejected under similar rationale.

Claims 31 and 33 are similar in scope to claims 1 and 5 respectively, and are therefore rejected under similar rationale.

Claims 34 and 36 are similar in scope to claims 1 and 5 respectively, and are therefore rejected under similar rationale.

As per claim 37, AAPA discloses the step of providing the user with a command for selectively hiding and re-displaying the annotation positioned in the electronic image (page 4, lines 9-11)

Claims 38-42 are similar in scope to claim 37, and are therefore rejected under similar rationale.

6. Claims 7-9, 16-18, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA", Specification pages 2-5) in view of Hilton et al. ("Hilton", US 5,452,416), and further in view of Kuchinsky et al. ("Kuchinsky", FotoFile).

As per claims 7-9, the method of AAPA-Hilton does not expressly depict said electronic image to be a photograph, and image aspect to be annotated to be a person depicted in said photograph, as well as said annotation to be a name of said person depicted in said photograph. Kuchinsky teaches all of these features as noted in col. 1 of page 498, and by figure 3 on page 500. It would have been obvious to an artisan at the time of the invention to include Kuchinsky's photographs of a person as images in the method of AAPA-Hilton in order to further provide more flexibility in handling different type of images.

Claims 16-18 are similar in scope to claims 7-9 respectively, and are therefore rejected under similar rationale.

Claims 25-27 are similar in scope to claims 7-9 respectively, and are therefore rejected under similar rationale.

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Response to Arguments

7. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner agrees with Applicant that neither Barber nor Whayne discloses a method which involves selecting an annotation from an electronic list of annotations and associated with an image. Rather the claims are rejected in view of AAPA and Hilton.

Inquires

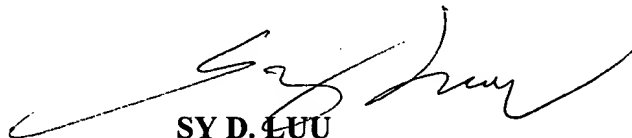
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SY D. LUU
PRIMARY EXAMINER
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